

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDDIE DEUSER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:22CV1202 JAR
)	
WAL-MART STORES EAST I, LP, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion to Remand Case to State Court [ECF No. 49]. Defendants do not oppose the Motion. For the reasons set forth below, the Motion will be granted.

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Wal-Mart Stores East I, LP ("Wal-Mart") removed this matter from the Circuit Court of Adair County, Missouri. Defendant Wal-Mart's Notice of Removal is based upon and supported by the following: This case arises out of a personal injury dispute between the parties. It does not have any Federal Questions alleged in the Petition. The Removal was based on diversity jurisdiction between Plaintiff and Defendants Wal-Mart and Defendant The Coca Cola Company. Defendant Wal-Mart is a citizen of Delaware and Arkansas. Defendant The Coca Cola Company is a citizen of Delaware and Georgia. Plaintiff Eddie Deuser is a citizen of the State of Missouri.

On June 20, 2023, the Court granted Plaintiff's Motion for Leave to file his First Amended Complaint to add Defendant Macon Coca-Cola Bottling Company and terminate Defendant The Coca Cola Company [ECF No. 37]. During the course of discovery, Plaintiff discovered that The Coca Cola Company was not the correct "Coca-Cola" defendant, and

Defendant Macon Coca-Cola Bottling Company is the entity that should be named as a defendant in this lawsuit instead. Defendant Macon Coca-Cola Bottling Company is a citizen of Missouri.


With the Missouri citizen Defendant Macon Coca-Cola Bottling Company now named as a defendant, diversity of citizenship between Plaintiff and Defendants no longer exists, and this Court does not have subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Therefore, the Court must remand this case.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Remand Case to State Court [ECF No. 49] is GRANTED, and this matter is remanded to the Circuit Court of Adair County, State of Missouri.

A separate Order of Remand will accompany this Memorandum and Order.

Dated this 2nd day of August, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE